

## **REMARKS**

Reconsideration of the rejection of the subject matter of this application is requested.

### **Status of Claims**

Claims 1, 3-10 and 27-45 remain for consideration. All other claims have been canceled to advance the prosecution. The prosecution is otherwise simplified by the fact that claim 1 is the only independent claim. The arguments that follow will focus on the patentability of claim 1. It has been amended substantially from the claim as presented originally, and now is believed to distinguish clearly over all cited art.

### **The Drawing**

The drawing appears to be acceptable as filed.

### **Rejection**

All pending claims stand rejected under 35 U.S.C. 103(a) as unpatentable over Bremer et al. (Bremer).in view of Fostick et al. (Fostick).

### **Argument**

Prior to addressing the rejections, a brief summary of the invention may provide background for the remainder of these remarks, particularly in light of the

newly cited publication of Fostick.

Applicants' invention as claimed relates to communications between a calling party and a called party using an interactive voice mail service. The voice mail service subscriber is the called party. In the normal case, the calling party has no special equipment or service. The objective is to convey information or data to the voice mail subscriber (called party). The distinction between the called party and the calling party is significant. In applicants' invention, as claimed, the called party receives the voice-mail message, receives the attachment, and accesses the attachment. The voicemail message and the attachment are separate entities. They are stored separately, and stored at separate locations. They are accessed separately, i.e., the system allows the receiving (called) party to access the voicemail message without accessing the attachment. The attachment is called for as a separate transaction. The attachment is stored in a device or location that is different from the receiver (voice message machine). This provides two important features: Since the calling party is not (necessarily) a subscriber to the service used for implementing the invention, interactive features of the invention are especially useful. The features added in amended claim 1 are:

1. to prompt the calling party to leave an attachment and leave the address of the attachment.
2. to prompt the called party when an attachment is available.

When the subscriber plays the stored voice mail message, the system informs the subscriber that an information attachment from the calling party is available, and provides the location of the stored attachment. As mentioned

before, there are claimed features associated with the attachment itself that distinguish the method of claim 1 from Bremer. These are:

1. The attachment may be accessed OR NOT. The choice and time of accessing the attachment is separate from accessing the e-mail. Thus access to the attachment is a choice available to the receiving party.
2. The attachment remains at the remote stored location until requested by the receiving party. Thus, if an attachment file is very large, it may remain at the remote location until requested, if requested at all. The remote storage location for the attachment may be, for example, the internet. Thus the receiving party may receive a message summarizing a long article, with a reference like: "see the attachment for the full article". This allows the receiving party's storage device to be free of stored attachments, because the attachment is not delivered to the receiving party's device until it is asked for.

These distinctions are recognized by the Examiner, and a newly cited reference, Fostik is cited to provide the features missing in Bremer et al.

However, the combination of Bremer with Fostik does not go together well. It is not a logical combination. Fostik does have an attachment that is located at a remote location. But the attachment is not intended to convey information.

Fostik's implicit method is not a method of communicating information.

Accordingly, why would one familiar with the Bremer teachings resort to Fostik for

anything. Fosdik describes a system for implementing a commercial transaction. The attachment in Fosdik is not intended to communicate information. The attachment in Fosdik is for verification of authenticity of the party entitled to the voucher. The Bremer method has no need for that feature. To make any sense of the combination of Bremer and Fosdik one needs applicant's claim 1 as a roadmap.

The better rejection for claim 1 would appear to be on Fosdik alone. While the Fosdik method bears little resemblance to applicant's method, in terms of problem and problem solution, it does have an accidental teaching of steps that are closer to those claimed than the Bremer reference.


Accordingly, to better define the true nature of the invention claim 1 has been amended to include interactive features. These distinguish in a very profound way the method for using an interactive voice mail system from Bremer and Fosdik, taken single or in any combination. Such interactive steps as prompting the calling party for an attachment, and prompting the calling party for a location for the attachment, and informing the voice mail subscriber (called party) of the presence and location of an attachment, are all missing both in substance and spirit from the references. These added limitations define a method that is now completely unobvious from the methods implicit in Bremer and Fosdik.

In view of the amendments and these remarks, reconsideration of the rejection and allowance of the application is requested.

In the event that the Examiner concludes that a telephone call would advance the prosecution of this application, the Examiner is invited and

encouraged to call the undersigned attorney at Area Code 757-258-9018.

Respectfully,

A handwritten signature in black ink, appearing to read "Peter V. D. Wilde", written in a cursive style.

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